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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,807	06/10/2005	James Thompson	3998264-152114	9883

7590 11/14/2006  
Porter Wright Morris & Arthur  
Intellectual Property Department  
28th Floor  
41 South High Street  
Columbus, OH 43215-6194

EXAMINER
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WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/516,807	<b>Applicant(s)</b> THOMPSON, JAMES	
	<b>Examiner</b> Rodney B. White	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 2 recites the broad recitation "between 40° and 80°, preferably between 50° and 70°", and the claim

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also recites "more preferably approximately 60° to 62°", which is the narrower statement of the range/limitation.

In claim 6, line 2, "the other side" lacks antecedent basis. Nowhere in Claims 1-3, has Applicant defined a side, a first side, or that the seat has a first side and a second side or any other side. So it is not clear what "other side" Applicant is referring to in Claim 6.

In claim 7, line 2, "said other side" lacks antecedent basis for the same reasons "the other side" lacks antecedent basis in claim 6.

In claim 8, line 4, "said other side" lacks antecedent basis for the same reasons "the other side" lacks antecedent basis in claim 6.

The aforementioned problems render the claims vague and indefinite.  
Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper (U.S. Patent No. 3,541,742).

Harper teaches a seating arrangement, the seating arrangement comprising seats arranged in a plurality of generally parallel ranks, each rank extending in a first direction, and a plurality of rows, each row extending at an angle other than a right angle with respect to said first direction and wherein adjacent seats in a row overlap in a second direction, the second direction being substantially perpendicular to said first direction, wherein the angle between the rows and said first direction is between  $40^{\circ}$  and  $80^{\circ}$ , preferably between  $50^{\circ}$  and  $70^{\circ}$  and more preferably approximately  $60^{\circ}$  to  $62^{\circ}$ , in which the seats in a row overlap in said first direction, wherein at least some of the seats in a row include a truncated armrest at one side of the seat arranged to fit behind an adjacent seat, wherein the truncated armrest is arranged to substantially abut with the rear of the adjacent seat, wherein at least some of the seats in a row include an armrest at the other side of the seat, the armrest comprising a bar which extends from a rear of the seat, wherein a portion of one seat is located beneath the armrest provided at said other side of an adjacent seat, wherein the amount of overlap of adjacent seats in said second direction is approximately equal to the combined widths, in said second direction, of the truncated armrest and the armrest on the other side of the seat, wherein the ranks are arranged in groups and at least some of the groups that are adjacent in said first direction are arranged such that their respective rows are disposed at supplementary angles with respect to said first direction thereby defining a substantially triangular space between said at least some adjacent groups (See Figures 1-3 and specification).

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Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmgren (U.S. Patent No. 4,382,628).

Palmgren teaches a passenger conveyance and an aircraft seating arrangement, the seating arrangement comprising seats arranged in a plurality of generally parallel ranks, each rank extending in a first direction, and a plurality of rows, each row extending at an angle other than a right angle with respect to said first direction and wherein adjacent seats in a row overlap in a second direction, the second direction being substantially perpendicular to said first direction, wherein the angle between the rows and said first direction is between 40° and 80°, preferably between 50° and 70° and more preferably approximately 60° to 62°, in which the seats in a row overlap in said first direction, wherein at least some of the seats in a row include a truncated armrest at one side of the seat arranged to fit behind an adjacent seat, wherein the truncated armrest is arranged to substantially abut with the rear of the adjacent seat, wherein at least some of the seats in a row include an armrest at the other side of the seat, the armrest comprising a bar which extends from a rear of the seat, wherein a portion of one seat is located beneath the armrest provided at said other side of an adjacent seat, wherein the amount of overlap of adjacent seats in said second direction is approximately equal to the combined widths, in said second direction, of the truncated armrest and the armrest on the other side of the seat, wherein the ranks are arranged in groups and at least some of the groups that are adjacent in said first direction are arranged such that their respective rows are disposed at supplementary angles with respect to said first direction thereby defining a substantially

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triangular space between said at least some adjacent groups (See Figures 8-9, 12-13 and specification).

Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kryter (U.S. Patent No. 2,947,349).

Kryter teaches a passenger conveyance and an aircraft seating arrangement, the seating arrangement comprising seats arranged in a plurality of generally parallel ranks, each rank extending in a first direction, and a plurality of rows, each row extending at an angle other than a right angle with respect to said first direction and wherein adjacent seats in a row overlap in a second direction, the second direction being substantially perpendicular to said first direction, wherein the angle between the rows and said first direction is between  $40^{\circ}$  and  $80^{\circ}$ , preferably between  $50^{\circ}$  and  $70^{\circ}$  and more preferably approximately  $60^{\circ}$  to  $62^{\circ}$ , in which the seats in a row overlap in said first direction, wherein at least some of the seats in a row include a truncated armrest at one side of the seat arranged to fit behind an adjacent seat, wherein the truncated armrest is arranged to substantially abut with the rear of the adjacent seat, wherein at least some of the seats in a row include an armrest at the other side of the seat, the armrest comprising a bar which extends from a rear of the seat, wherein a portion of one seat is located beneath the armrest provided at said other side of an adjacent seat, wherein the amount of overlap of adjacent seats in said second direction is approximately equal to the combined widths, in said second direction, of the truncated armrest and the armrest on the other side of the seat, wherein the ranks are

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arranged in groups and at least some of the groups that are adjacent in said first direction are arranged such that their respective rows are disposed at supplementary angles with respect to said first direction thereby defining a substantially triangular space between said at least some adjacent groups (See Figures 1 and 3 and specification).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmgren in view of Maxwell, Jr. (U.S. Patent No. 5,083,838).

Palmgren teaches the structure substantially as claimed but does not teach a walled compartment provided in a space defined between said adjacent groups. However, Maxwell, Jr. teaches a walled compartment provided in a space defined between said adjacent groups of seats to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the seating arrangement, as taught by Palmgren, to arrange seats and provide a walled compartment in a space defined between said adjacent groups, as taught by Maxwell, Jr., since such a compartment



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would provide the seats with a table with many uses, such as cup holders and a number of other accessories a passenger can use while in flight.

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barenji, Morgan, Sherman, Jr., Bouchard et al, Faul, Auestad, Kaufmann, Bulgari, and Kennedy teach concepts and structures similar to the present invention.

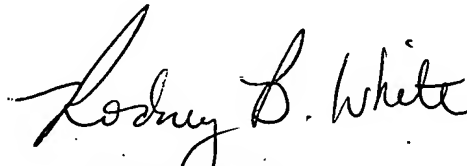
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
November 13, 2006



RODNEY B. WHITE  
PRIMARY EXAMINER